

ZB# 02-20

Westage Development

3-1-26.2

Prelim.

April 22, 2002

Public Hearing:

June 10, 2002

~~7:00 AM~~

Granted

Refund:

\$407.50

#02-20 Westage Dev.

Area-Sign 3-1-26.2.

Oxford[®]

⊗ ESSELTE

MADE IN U.S.A.

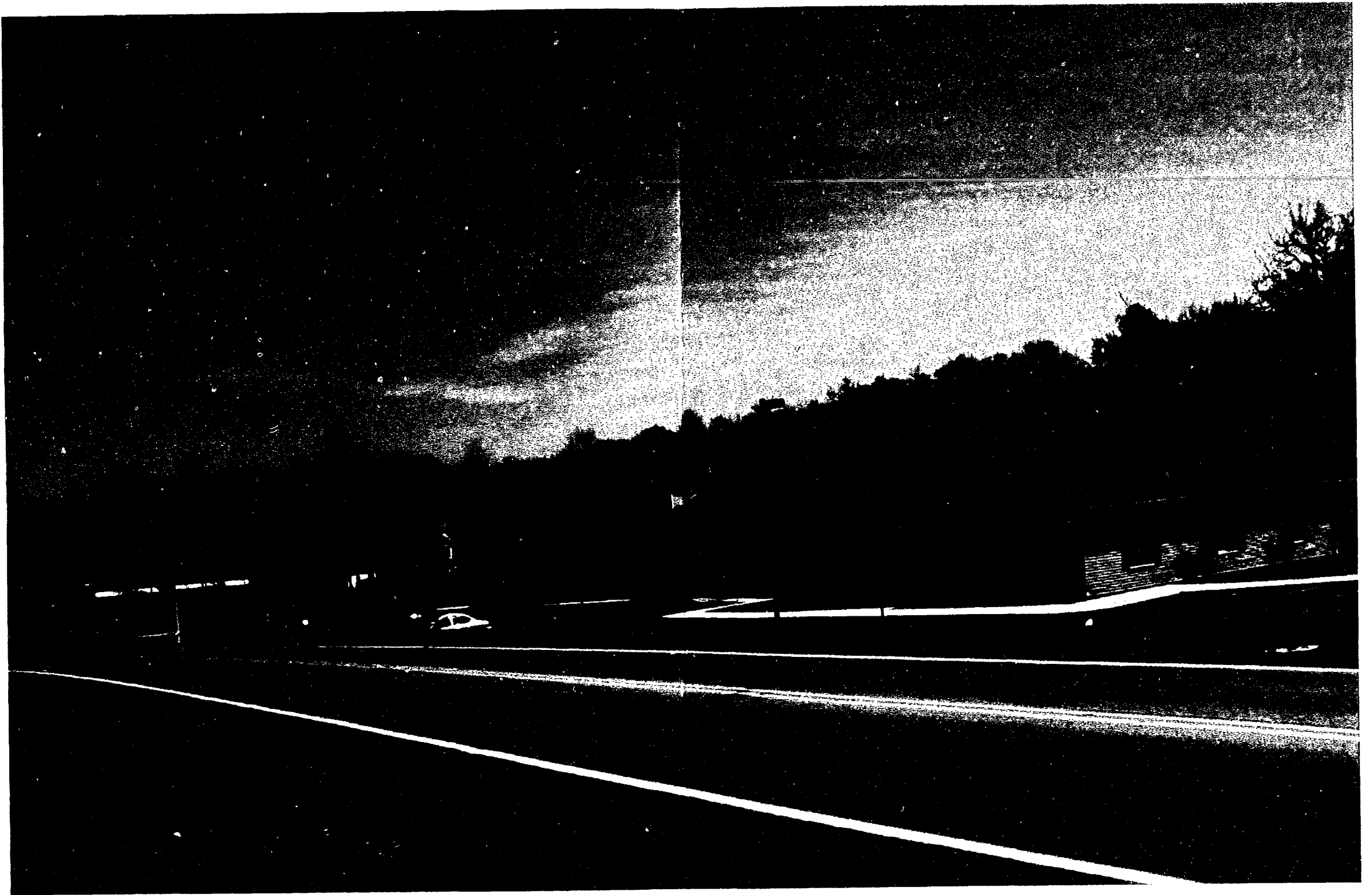
NO. 753 1/3

Ted PeFullo
Ed Kelloff

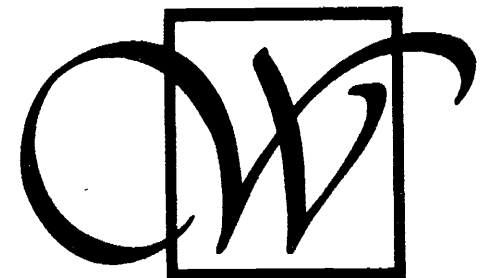


WESTAGE OFFICE PARK
955 Little Britain Road—NYS Route 207
New Windsor, New York





WESTAGE OFFICE PARK
955 Little Britain Road—NYS Route 207
New Windsor, New York



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Widage (Sign)

FILE# 02-20.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE.....\$ 150.00

*paid ck. #1268
\$150
on 5/24/02.*

ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ 500.00.

*check #1269
pd. 5/24/02*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 4/22/02 - 2...\$ 9.00

2ND PRELIMINARY- PER PAGE 11/16/02 - 3...\$ 13.50

3RD PRELIMINARY- PER PAGE.....\$

PUBLIC HEARING - PER PAGE.....\$

PUBLIC HEARING (CONT'D) PER PAGE.....\$

TOTAL.....\$ 22.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 4/22/02.....\$ 35.00.

2ND PRELIM. 6/16/02.....\$ 35.00

3RD PRELIM.....\$

PUBLIC HEARING.....\$

PUBLIC HEARING (CONT'D).....\$

TOTAL.....\$ 70.00

MISC. CHARGES:

.....\$
TOTAL.....\$ 92.50

LESS ESCROW DEPOSIT.....\$ 500.00

(ADDL. CHARGES DUE).....\$

REFUND DUE TO APPLICANT..\$ 407.50

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#480-2002

05/24/2002

Westage Development 207 Llc #02-20

Received \$ 150.00 for Zoning Board Fees on 05/24/2002. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

Date June 28, 2002

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Westage Development 207, LLC DR.

C/O Edward Kellogg
2 Jefferson Plaza Suite 100, Poughkeepsie, N.Y.
12601

DATE

CLAIMED

ALLOWED

6/28/02 Refund of ESI man Deposit

02-20

\$ 407.50

Approved: Patricia A. Conzetti
ZBA.

-----X
In the Matter of the Application of

WESTAGE DEVELOPMENT 207, LLC

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#02-20.
-----X

WHEREAS, WESTAGE DEVELOPMENT 207, LLC, 5 Jefferson Plaza, Suite 100, Poughkeepsie, N. Y. 12601, has made application before the Zoning Board of Appeals for a 22 sq. ft. sign area variance for a freestanding sign for an office park located on Route 207 in an NC zone; and

WHEREAS, a public hearing was held on the 10th day of June, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Ed Kellogg for this proposal; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located in a neighborhood of commercial properties on a busy highway in the Town of New Windsor.
 - (b) The Applicant seeks a variance to add a peak to the existing sign. The purpose of the "peak" is to cause the appearance of the sign to conform to the adjacent building.
 - (c) Neither the freestanding sign nor the peak will impede the vision of motorists in the operation of motor vehicles on the adjacent state highway.

- (d) The sign will be illuminated with exterior illumination only. This illumination will be located in such a manner so that it will not interfere with the operation of motor vehicles over the adjacent highway.
- (e) The proposed sign will be neither flashing nor will it be neon.
- (f) The sign will conform to the requirements of the Zoning Local Law with respect to height and will be no higher than other signs on adjacent properties.
- (g) The variance is sought and granted for the sign as presented to the Zoning Board of Appeals with the dimensions and description thereon.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance as previously stated is reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.
8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 22 sq. ft. sign area variance for a freestanding sign at an office park located on

Route 207 in an NC zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: September 09, 2002.

A handwritten signature in black ink, reading "Lawrence W. Torley". The signature is written in a cursive style with a large, stylized 'L' and 'T'. It is positioned above a horizontal line.

Chairman

Date 6/28/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh N.Y. 12550

DATE			CLAIMED	ALLOWED
6/10/02	Zoning Board Mtg		75 00	
	Misc. - 4			
	Kocher - 5			
	Hudson Valley Drilling - 2			
	Weissman - 3			
	House of Apache - 21			
	Donovan - 4			
	Westage Corp. - 3			
	Smith - 2			
	Denthoff - 10			
	54		243 00	
			318 00	

WESTAGE CORP.

MR. TORLEY: Request for 22 sq. ft. sign area variance for freestanding sign for office park on Route 207 in an NC zone.

Mr. Ed Kellogg appeared before the board for this proposal.

MS. CORSETTI: For the record, we sent out 33 notices to adjacent property owners on May 24.

MR. REIS: Any responses?

MS. CORSETTI: No.

MR. TORLEY: Before we begin, is there anyone in the audience besides the applicants who wishes to speak on this matter? Let record show there is none.

MR. KANE: You're on.

MR. KELLOGG: We're asking for a variance basically to add a peak to an existing sign that we installed a short time ago in front of our office building at 207. The existing sign is 70 inches tall, 8 feet wide and I think you all have a color copy of that and it's what's in green it says Westage Office Park, Taconic Engineering, which is the tenant that occupies all of the existing building and what we're requesting permission to do is to add the peak with the Westage on it, the design of the peak will match the gables on the front of the existing office building and the peak is 33 inches high and about 8 feet wide.

MR. KANE: Will it impede any vision on the traffic on 207?

MR. KELLOGG: No.

MR. KANE: Is it illuminated in any way?

MR. KELLOGG: We have bollard ground lights that are being installed right now.

MR. KRIEGER: Exterior illumination?

MR. KELLOGG: Yes.

MR. KANE: No flashing neon?

MR. KELLOGG: No.

MR. TORLEY: The external lights meet the lighting codes?

MR. KELLOGG: Yes, we checked into that because we discussed it when we were here last time.

MR. KRIEGER: The applicant should know that even if the requested variance were granted, they would still not be relieved from the obligation that he otherwise complied with.

MR. KELLOGG: Right, we understand.

MR. REIS: The only use for the expanded sign area is for the Westage logo?

MR. KELLOGG: Yes, that's really it.

MR. BABCOCK: It's a little roof, it's a little wider than the sign, it's like a little roof over top of the sign right where your thumb is, Mike, see it, see the one, the edge thing by your thumb? See how it's a little wider, it's basically a little roof for the sign.

MR. KELLOGG: It shows the section through the sign on the left-hand side.

MR. BABCOCK: It's a little wider than the sign to keep the water from running down the face of the sign.

MR. KRIEGER: Would it be higher than other signs in the area? I know that there's, that it's a commercial area.

MR. BABCOCK: It meets the height requirement, there's no request for a variance on height, it's just strictly

the area.

MR. TORLEY: This is for an architectural beautification of the sign?

MR. KELLOGG: That's correct.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. RIVERA: I move we grant Westage Corporation the 22 square foot sign variance freestanding sign for the office park located on Route 207.

MR. MCDONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MR. KRIEGER: The applicant should understand the variance that was just granted is for the application and the details that were presented.

MR. KELLOGG: Yes.

MR. KRIEGER: You can't take this and now change the sign and make it look different.

MR. KELLOGG: Right.



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

file: 2BA

Westage

Invoice

DATE	INVOICE #
5/24/2002	2720

BILL TO

TOWN OF NEW WINDSOR
555 UNION AVE
NEW WINDSOR, NY 12553

20157

P.O. NO.	TERMS	PROJECT
28253	Due on receipt	

ISSUE DATE	DESCRIPTION	INCHES	AMOUNT
5/24/2002	LEGAL ADS: APPEAL 02-20 2 AFFIDAVITS		11.46 4.00

RECEIVED
JUL -
TOWN OF NEW WINDSOR
COMPTROLLER'S OFFICE

VISA, MASTER CARD, AMERICAN EXPRESS
PAYMENTS ACCEPTED. CALL 845-562-1218

Total

\$15.46

Town of New Windsor

Town Hall

555 Union Ave.

New Windsor, NY 12553

TEL: (845) 563-4624 / FAX: (845) 563-4693

PURCHASE ORDER

26957

SENTIN

DATE	1/9/02
PAGE NO.	1
CHECK NO.	
TAX EXEMPT NO. 14-6002338	

SIGN & RETURN TO ADDRESS ABOVE

THE SENTINEL
PO BOX 406

VAILS GATE, NY 12584

Town Clerk
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
Attn: D. Green

SPECIAL INSTRUCTIONS

DG

ITEM		QUANTITY		UNIT PRICE		TOTAL	
1	LEGAL AD JAN 15 2002 A10-1010-101620-4-4361	1		50.00		50.00	
1	Legal ad	1		.395		11.46	
2	Affidavits	2		2.00		4.00	
						15.46	

NO ORDER VALID UNLESS SIGNED BELOW

VENDOR CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of the claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

DEPARTMENT DIRECTOR

BUSINESS ADMINISTRATOR

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered, said certification being based on signed delivery slips or other reasonable procedures.

SIGNATURE

DATE

COMPTROLLER

X

Michael Smith Vice President

NAME (PRINT OR TYPE)

OFFICIAL POSITION

VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO.

VENDOR - SIGN AT X AND RETURN WITH INVOICE

State of New York

County of Orange, ss:

Michael Smith being duly sworn

disposes and says that he is

Vice President of the E.W. Smith

Publishing Company; Inc. Publisher

of The Sentinel, a weekly newspaper

published and of general circulation

in the Town of New Windsor, Town of

Newburgh and City of Newburgh and

that the notice of which the annexed is

a true copy was published Once

in said newspaper, commencing on

the 24 day of May A.D., 2002

and ending on the 24 day of May
A.D. 2002

Michael E. Smith

Subscribed and shown to before me

this 25 day of June, 2002

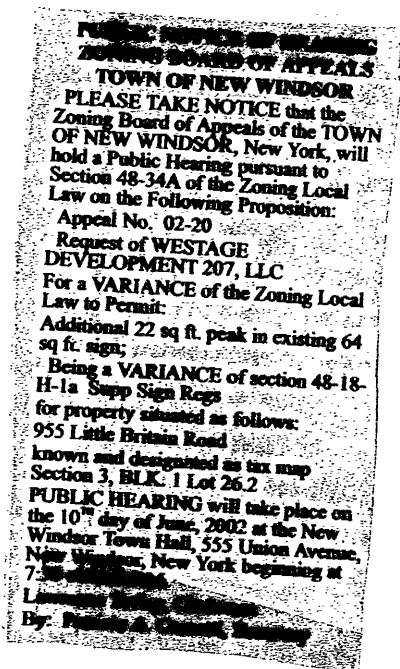
Mary E. Fordenbacher

Notary Public of the State of New York

County of Orange.

Mary E. Fordenbacher
Notary Public, State of NY
Residing in Orange County
No. 4718013

My commission expires 2-28-03



Prelim. -

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

COPY
Appl. 22, 2002

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION *# 02-20*

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 3/18/02

APPLICANT: Westage Development 207, LLC
2 Jefferson Plaza, Suite 100
Poughkeepsie, NY 12601

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 2/12/02

FOR : Westage Development 207 LLC

LOCATED AT: 955 Little Britain Road

ZONE: Sec/ Blk/ Lot: 3-1-26.2

DESCRIPTION OF EXISTING SITE: Existing office park

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-18, H-1a One freestanding sign 64sqft total of all faces permitted. Proposed sign will be 86ft, a variance of 22sqft is required.

Raeis Kycheor
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: USE:

SIGN:

FREESTANDING: 64sqft 86sqft 22sqft

HEIGHT:

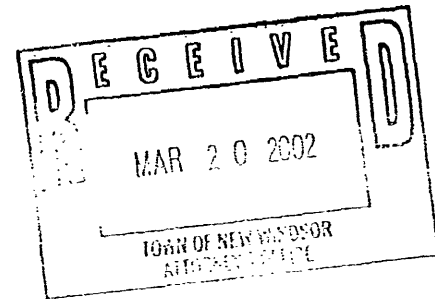
WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP



60b7c

RECEIVED

MAR 14 2002

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered:
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: 2002-191

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Westage Development 207, LLC

Address 955 Little Britain Road, New Windsor, NY Phone 845-473-2400

Mailing Address 2 Jefferson Plaza, Suite 100, Poughkeepsie, NY 12601

Name of Architect None

Address _____ Phone _____

Name of Contractor KK Signs

Address 671 Noxon Road, Poughkeepsie, NY 12603 Phone 845-471-7727

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the South side of Route 207
(N,S,E or W)
and ±150 Ft. feet from the intersection of Old Little Britain Road

2. Zone or use district in which premises are situated NC Is property a flood zone? Y N X

3. Tax Map Description: Section 3 Block 1 Lot 26.2

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Professional Offices b. Intended use and occupancy Same

5. Nature of work (check if applicable) New Bldg ☐ Addition ☒ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒ Sign

6. Is this a corner lot? No

Width - 8 ft.

7. Dimensions of entire new construction. Front X Rear X Depth X Height 33 in. No. of stories X

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use Professional Offices

10. Estimated cost \$1,000.00 Fee \$50.00

PAID

CH# 1230
550-

_____/_____/_____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

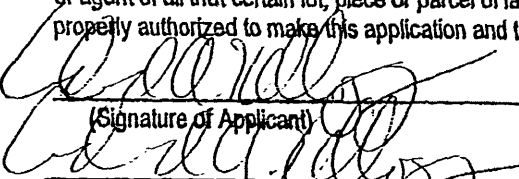
Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

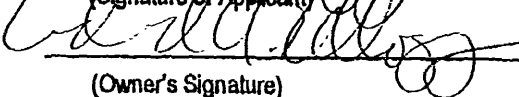
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

2 Jefferson Plaza, Suite 100, Poughkeepsie, NY 12601

(Address of Applicant)

same


(Owner's Signature)

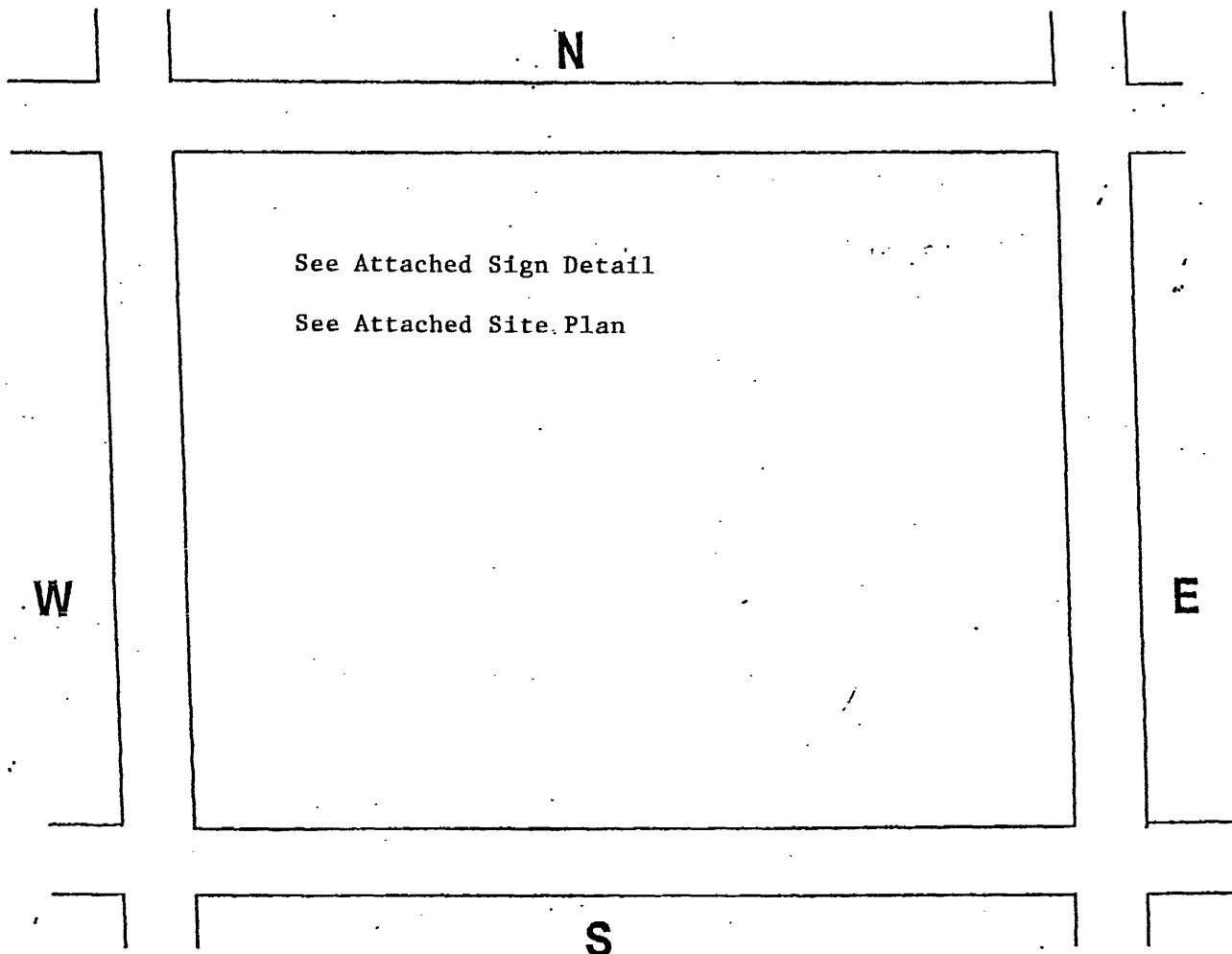
(Owner's Address)

PLOT PLAN

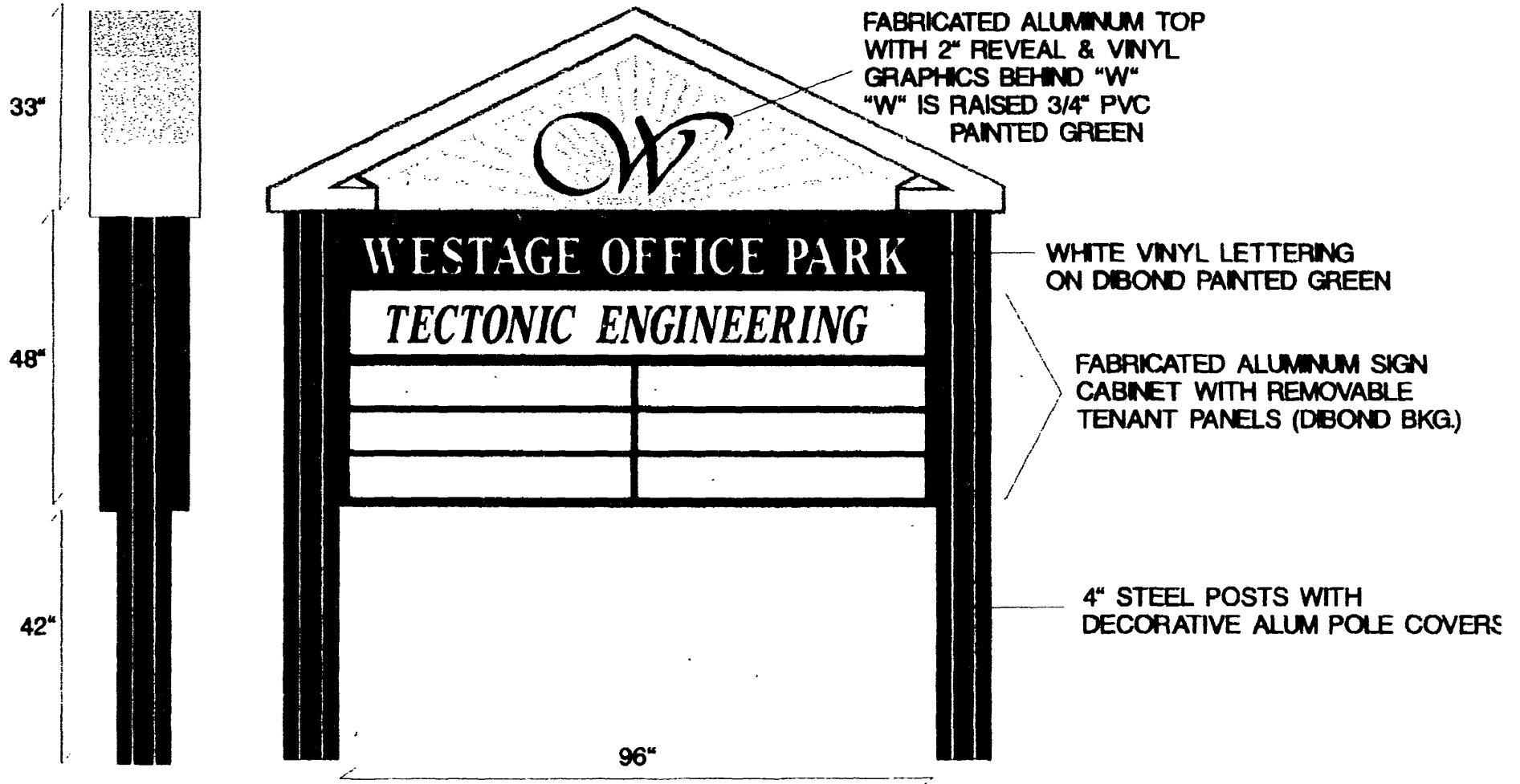
3/11/02

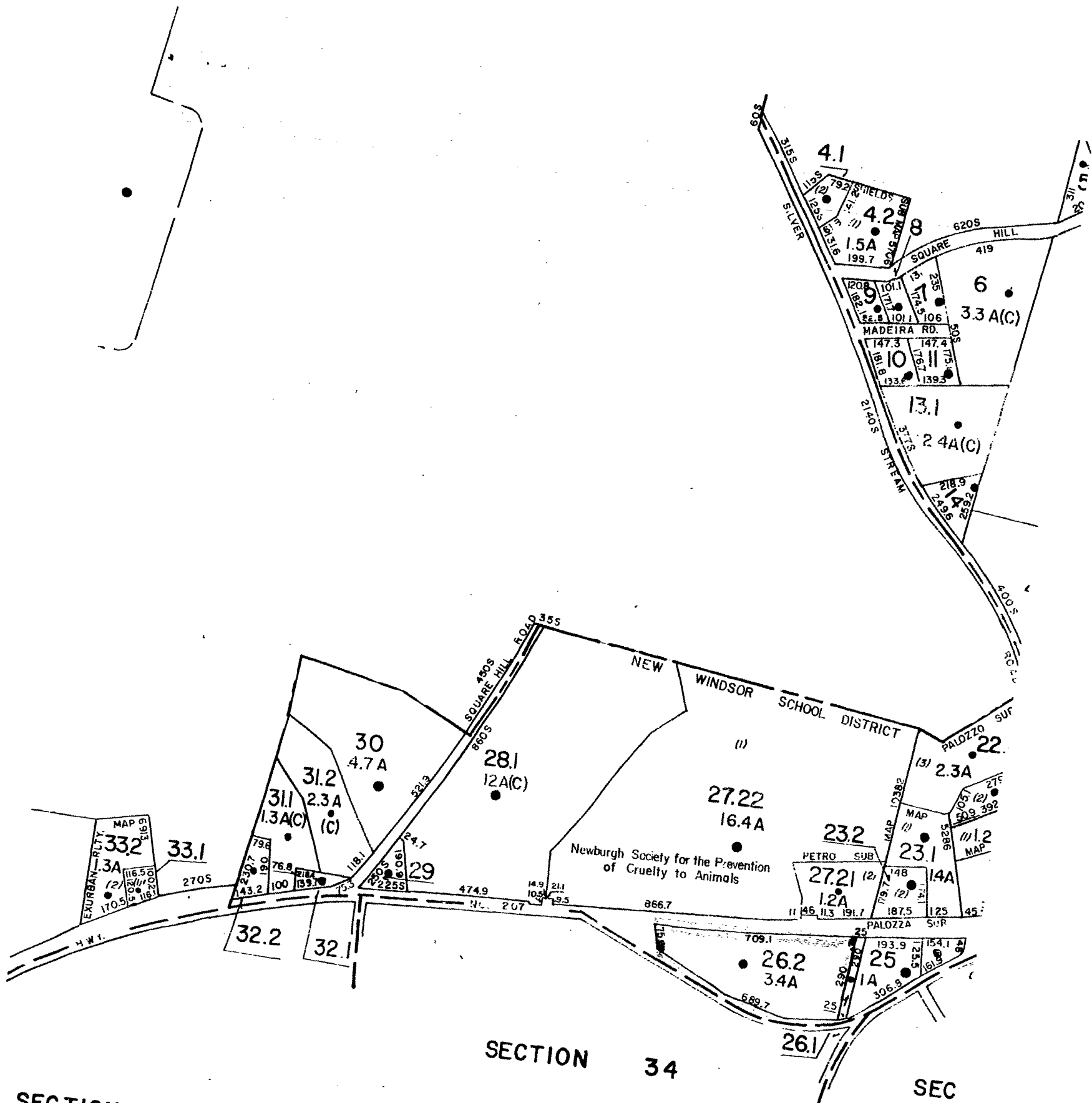
NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



DOUBLE SIDED SIGN





SECTION 33

SECTION 34

SEC

N 540,000
E 568,000

ALL

COUNTY~NEW YORK

TOWN OF N

9-24-67



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

May 8, 2002

33

Westage Corporation
C/o Edward Kellogg
2 Jefferson Plaza Suite 100
Poughkeepsie, NY 12601

Re: 3-1-26.2

Dear Mr. Kellogg:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

3-1-20

Verizon New York, Inc. X
C/o Bell Atlantic
Property Tax Dept. Room 3137
1095 Avenue of the Americas
New York, NY 10036

3-1-27.22

Newburgh Society for the Prevention of
Cruelty to Animals X
940 Little Britain Road
New Windsor, NY 12553

34-2-7

Bruce Cohen X
Virginia Hayes
162 Taylor Road
Mountainville, NY 10953

3-1-22.1

Lawrence & Karen Byrd X
15 Silver Stream Road
New Windsor, NY 12553

3-1-28.1

Allen & Kitty Dantas X
958 Little Britain Road
New Windsor, NY 12553

34-2-8

Bruce & Lillian Armitage X
30 Browns Drive
New Windsor, NY 12553

3-1-22.2

Chester Palozzo Jr. X
21 Silver Stream Road
New Windsor, NY 12553

32-2-24

Edith Mc Gourty X
43 Moores Hill Road
New Windsor, NY 12553

34-2-9

Donald & Georgene Gladstone X
28 Browns Drive
New Windsor, NY 12553

3-1-22.3

George Damiano X
Roger Setya
PO Box 38
Parsippany, NJ 07054

32-2-28.1

Ann Palmerone X
567 Riley Road
New Windsor, NY 12553

34-2-10

Trevor & Marion Ryan Smith X
26 Browns Road
New Windsor, NY 12553

3-1-23.1

Jim Smith Chevrolet Sales, Inc. X
PO Box 281
Walden, NY 12586

32-2-29.2

James Petro X
Brian Barbera
PO Box 928
Vails Gate, NY 12584

34-2-12

Joseph Laporta X
24 Browns Drive
New Windsor, NY 12553

3-1-23.2

Big S. Oil Co., Inc. X
PO Box 188
Montgomery, NY 12549

32-2-30

Rose Sears X
586 Riley Road
New Windsor, NY 12553

34-2-13

Erhart & Marie Kutsche X
364 Elvin Street
Staten Island, NY 10314

3-1-24

Charles & Carol Craft X
128 Eustis Avenue
Newport, RI 02840

32-2-31.12

Ronsar Real Estate, LLC X
911 Little Britain Road
New Windsor, NY 12553

34-2-14

Frank & Connie Jannotti X
20 Browns Drive
New Windsor, NY 12553

3-1-25

James & Penny Stubbs X
120 Meadow Avenue
Newburgh, NY 12550

32-2-31.3

Gerald & Dawn Kelly Long X
572 Riley Road
New Windsor, NY 12553

34-2-15

Dario Scarazzini X
36 Moores Hill Road
New Windsor, NY 12553

3-1-26.1

Linda Pike X
PO Box 272083
Fort Collins, CO 80527

34-2-3

Anthony Christie X
989 Little Britain Road
New Windsor, NY 12553

34-2-16

Brian & Ann Marie Butler X
42 Moores Hill Road
New Windsor, NY 12553

3-1-27.21

James Petro Jr. X
PO Box 928
Vails Gate, NY 12584

34-2-5

James Petro Jr. X
Brian Barbera
7 Oliver Drive
Newburgh, NY 12550

34-2-17.4

Moores Hill Estates, Inc. X
C/o Jacob Deutsch
15 Garfield Road Suite 101
Monroe, NY 10950

90-1-1

Brian & Cristin Faldetta
28 Pathless Way
Nassau, NY 12123

X

90-1-2

Aleksandr & Natalya Nasonov
Tatyana Lakush
8 Lisa Lane
New Windsor, NY 12553

X

90-1-10

Melissa Forsyth
Thomas Canale

X

1 Lisa Lane
New Windsor, NY 12553

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

Westage Corp.

#02-20-

AFFIDAVIT OF
SERVICE
BY MAIL

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 24th day of May, 2002, I compared the 33
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Sworn to before me this

____ day of _____, 20____.

Notary Public

Pls. publish immediately. Send bill to Applicant @ 2 Jefferson Plaza
Suite 100
Poughkeepsie 12601
NY.

**PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 02-20

Request of WESTAGE DEVELOPMENT 207, LLC

for a VARIANCE of the Zoning Local Law to Permit:

Additional 22 sq. ft. peak in existing 64 sq. ft. sign.

being a VARIANCE of Section 48-18, H-1a - Supp. Sign Regs.

for property situated as follows:

955 Little Britain Road

known and designated as tax map Section 3, **Blk.** 1 **Lot** 26.2

PUBLIC HEARING will take place on the 10th day of June, 2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.

BARGAIN AND SALE DEED

THIS INDENTURE, made the 5 day of August, 1999, between **Westage Corporation** ("Seller"), a New York corporation, having an address at 16 Mews Alley, P.O. Box 3426, Poughkeepsie, New York 12603, and **Westage Development 207 LLC**, ("Purchaser") a New York limited liability company, having an address in care of Westage Corporation, 16 Mews Alley, P.O. Box 3426, Poughkeepsie, New York 12603;

WITNESSETH:

That Seller, in consideration of **One Dollar (\$1.00)** and other valuable consideration paid by Purchaser, does hereby grant and release unto Purchaser, and the heirs or successors and assigns of Purchaser, forever, "Premises" located in the Town of New Windsor, County of Orange and State of New York, being more particularly described in Schedule A annexed hereto;

SUBJECT TO permanent easement to New York State Department of Transportation as shown on map entitled "New York State Department of Transportation Description and Map for the Acquisition of Property Newburgh-Campbell Hall S.H. No. 153 Orange County Map No. 177 Parcel No. 267".

SUBJECT TO grant to Central Hudson Gas and Electric Corp. and New York Telephone Co. in Liber 1347 Page 156.

SUBJECT TO all transfers, conditions, agreements, restrictions and easements of record.

TOGETHER with all right, title and interest, if any, of Seller in and to any streets and roads abutting the above described premises to the center lines thereof.

TOGETHER with the appurtenances and all the estate and rights of Seller in and to said premises.

This conveyance is made with the unanimous consent in writing of the shareholders of the Seller.

Hereby intending to convey the entire premises conveyed to the Grantor by Deed dated March 3, 1998, and recorded in the Orange County Clerk's Office on March 26, 1998, in Liber 4747 at Page 327.

TO HAVE AND TO HOLD the same unto Purchaser and the heirs or successors and assigns of Purchaser forever.

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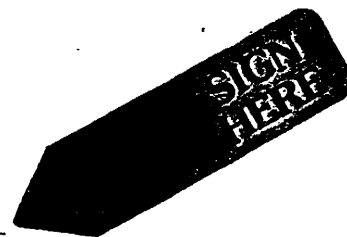
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Seller, in compliance with Section 13 of the Lien Law, covenants that it will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, Seller has duly executed this deed the day and year first above written.

Westage Corporation

By: T. Petrillo
T. Petrillo, President



STATE OF NEW YORK)
)ss.:
COUNTY OF DUTCHESS)

On the 5TH day of August, 1999, before me personally came T. Petrillo, to me known, who, being by me duly sworn, did depose and say that he resides at Holmes Road, Newburgh, New York, that he is the President of Westage Corporation, the corporation described in and which executed the foregoing instrument; and that he signed his name thereto by unanimous resolution of the shareholders of said corporation.

Mary M. Glendenning
Notary Public
MARY M. GLENDENNING
Notary Public, State of New York
No. 01GL5039939
Qualified in Dutchess County
Commission Expires March 6, 2001

The premises covered by this deed are shown on the official tax map of the Town of New Windsor as Section 03, Block 1, Lot 26.2.

ALL NEW YORK TITLE AGENCY, INC.

Title No. ANY99-5660B

SCHEDULE A

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of NYS Route 207 where same is intersected by the division line of lands herein and lands now or formerly Mt. Airy Court, Inc.;

THENCE along said division line South 24 degrees 49' 48" West 294.26 feet to a point on the northerly side of Old Little Britain Road;

THENCE along the northerly side of Old Little Britain Road, North 77 degrees 31' 34" West 190.02 feet, North 57 degrees 47' 34" West 216.40 feet and North 45 degrees 49' 34" West 283.25 feet to a point;

THENCE North 03 degrees 55' 39" East 75.56 feet to the southerly side of NYS Route 207;

THENCE along the southerly side of NYS Route 207, South 73 degrees 57' 36" East 57.94 feet, South 75 degrees 57' 38" East 301.91 feet and South 77 degrees 57' 53" East 349.28 feet to the point and place of BEGINNING.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE

#02-20.
Date: 5/21/02

I. Applicant Information:

- (a) WESTAGE DEVELOPMENT 207, LLC; 2 JEFFERSON PLAZA, POUGHKEEPSIE, NY 12601 845-473-2400
(Name, address and phone of Applicant) (Owner)
- (b) NA
(Name, address and phone of purchaser or lessee)
- (c) NA
(Name, address and phone of attorney)
- (d) KK SIGNS' 671 NOXON ROAD, POUGHKEEPSIE, NY 12603 845-471-7727
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

☐ Use Variance
☐ Area Variance

☒ Sign Variance
☐ Interpretation

III. Property Information:

- ✓ (a) NC 955 LITTLE BRITAIN ROAD 3-1-26.2 3.38 ACRES
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
- (b) What other zones lie within 500 feet? NC, R3
- (c) Is pending sale or lease subject to ZBA approval of this Application? NO
- (d) When was property purchased by present owner? 8-5-99
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO. If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

(Describe proposal) _____

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area Variance: N/A.

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** Non-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance:

✓ VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-18; PH-1a, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	<u>64 sq. ft.</u>	<u>86 sq. ft.</u>	<u>22 sq. ft.</u>
Sign #2	<u> </u>	<u> </u>	<u> </u>
Sign #3	<u> </u>	<u> </u>	<u> </u>
Sign #4	<u> </u>	<u> </u>	<u> </u>

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

We are requesting a variance to allow for the addition of a 22 sq. ft. peak to be added to the top of the existing 64 sq. ft. identification/tenant sign. The peak will be consistent with the architecture of the existing building and will provide proper site and ownership identification. The sign will include the Westage "W" logo.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? 86 sq. ft. if variance granted
64 sq. ft. existing

VII. Interpretation. N/A.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section .

- (b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The existing building and the sign are the most attractive architecturally along this commercial corridor. The proposed addition to the sign will add to the first class presentation of the property improvements.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Inspector or Planning Board.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
- ☐ Photographs of existing premises from several angles.

X. Affidavit.

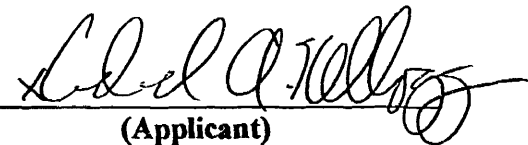
Date: _____

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this

20 day of MAY, 2002.

MARY GLENDENNING
Notary Public, State of New York
No. 01GL5039939
Qualified in Dutchess County
Commission Expires March 6, 2003

XI. ZBA Action:

(a) Public Hearing date: _____.

PRELIMINARY:

WESTAGE DEVELOPMENT

MR. TORLEY: Request for 22 sq. ft. sign variance for freestanding sign at 955 Little Britain Road Office Park in NC zone.

Mr. Ed Kellogg appeared before the board for this proposal.

MR. KELLOGG: I'm Ed Kellogg with Westage and we have our office park where Tectonic Engineering is at 207. We have a sign that's installed already and the sign is near the eastern edge of the building where we used to have a temporary sign now leasing so the bottom portion of the sign is already in place, the green portion, and we're going to request a variance to put the ridge in and the ridge basically matches the building design, matches the peak of the building.

MR. KANE: What's the total height of the sign?

MR. KELLOGG: Total height will be about ten feet right to the top of the peak. Right now, we're at 92 inches.

MR. KANE: Double sided sign?

MR. KELLOGG: Right and it's ground lit, not internally illuminated, be a couple of spots in the ground on either side.

MR. KANE: Doesn't obstruct the view of traffic in any way?

MR. KELLOGG: No, we actually ended up setting it back further than we wanted cause there's a gas main right out front.

MR. TORLEY: Didn't we change the lighting code a while back require, lights to focus down rather than up? Does that apply to signs like this or--

MR. BABCOCK: I'm not aware of that, Mr. Chairman.

MR. TORLEY: Maybe I'm in error but I thought we changed the sign code to try and require lights facing down rather than shining up.

MR. KANE: Something we can check out.

MR. BABCOCK: I can verify that for the next meeting.

MR. KANE: We're just looking for square footage increase to cover the triangle on the top?

MR. KELLOGG: Right, this panel's 4 by 8, that will be 33 inches by about 100 inches wide.

MR. TORLEY: Won't be impeding the visibility of drivers?

MR. KELLOGG: No.

MR. REIS: I'll make a motion that we set up Westage Development for the present variance for a public hearing.

MR. KANE: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. KANE: Could you get a couple of pictures showing the sign from the road so we can put that for the final?

MR. KELLOGG: Yes.

Date 4/24/02,

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Finance Dept
100 N. Dury Lane
New Windsor, N.Y. 12550 DR.

DATE			CLAIMED	ALLOWED
4/23/02		Zoning Board Mtg	75.00	
		Misc. 2		
		Westage - 2 9.m.		
		Pondvan - 3		
		Gastri - 1		
		Smith - 2		
		Meyer - 3		
		Trapp - 3		
		M. Hedman - 5		
		Meyer - 4		
		Trapp - 3	136.00	
		28	201.00	